

**TOWN COUNCIL
WORK SESSION MEETING**

Monday, February 1, 2021
7:30 pm
Municipal Building

Agenda

- I. Call to Order
- II. Roll Call
- III. Moment of Silence
- IV. Pledge of Allegiance to the Flag of the United States of America
- V. Approval of Agenda
 - a. Minutes from January 20, 2021
- VI. Presentation from the Town Lobbyist, Greenwill Consulting (3min)
- VII. Presentation from Petra Development on National View project (3min)
- VIII. Public Period (limit 2 minutes)
- IX. Reports
 - a. Treasurer
 - b. Public Works Director
 - c. Lobbyist, Greenwill Consulting
 - d. Code Enforcement
 - e. Ombudsman
 - f. Police Chief
 - g. Town Administrator
- X. Councilmember/Mayor Report
 - a. Ward I
 - b. Ward II
 - c. Ward III
- XI. Legislation
 - a. **CHARTER RESOLUTION 01-21:** A CHARTER AMENDMENT RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND AMENDING SECTION 33-3 (NUMBER; SELECTION, TERM) AND SECTION 33-15 (NUMBER; SELECTION, TERM) OF THE CHARTER OF THE TOWN OF FOREST HEIGHTS, MARYLAND TO ALLOW CERTAIN ELECTED OFFICIALS TO FINISH THEIR FINAL TERM OF ELECTIVE OFFICE DESPITE HAVING LESS THAN ONE-YEAR MORE THAN A TOTAL OF 12-YEARS OF CONTINUOUS SERVICE AND GENERALLY RELATING TO TERM LIMITATIONS FOR ELECTIVE OFFICE WITHIN THE TOWN GOVERNMENT.
 - b. **CHARTER RESOLUTION 02-21:** A CHARTER AMENDMENT RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND, EXPEDITED PURSUANT TO GUBERNATORIAL EMERGENCY ORDER, AMENDING SECTIONS 33-18 (THE MAYOR; POWERS AND DUTIES) AND 33-38 (REGISTRATION, NOMINATIONS AND ELECTIONS; REGULATION AND CONTROL) OF THE CHARTER OF THE TOWN OF FOREST HEIGHTS, MARYLAND TO AUTHORIZE AND ALLOW THE MAYOR AND

COUNCIL DURING A DECLARED CIVIL EMERGENCY TO AMEND OR MODIFY BY PROCLAMATION AND SUBSEQUENT RESOLUTION THE MANNER OF VOTING AND CASTING OF BALLOTS AND OTHER PROCEDURES AND REQUIREMENTS PERTAINING TO THE CONDUCT OF ELECTIONS PREVIOUSLY ESTABLISHED BY CHARTER OR ORDINANCE CODE AND GENERALLY RELATED TO REGISTRATION, NOMINATIONS AND MUNICIPAL ELECTIONS

XII. New Business

XIII. Adjournment

**Town of Forest Heights
Town Meeting- 8:00 PM
Wednesday, January 20, 2021
Meeting Minutes
Virtual Meeting**

Call to Order: 8:04 PM

Roll Call: CW Hines, CW Noble, CM Kennedy II, CM Washington, CM Atkinson, Mayor Muhammad present. CM Barnes was not marked present until later in the meeting due to technical difficulties. Quorum established.

Moment of Silence:

Pledge of Allegiance:

Approval of Agenda: Motion by CM Washington to approve the agenda; seconded by CW Hines; all in favor; motion passed.

Amendment of Agenda: Motion by CM Washington to amend the agenda to remove the closed session; seconded by CW Hines; all in favor; motion passed.

Public Period:

Theresa Brownson asked that she could get an electronic copy of the agenda. The Town Clerk responded that she would send her one, as well as send future updates.

CW Noble noted that a public comment was made by Tina McDowell via email about the proposed high-density development rezoning at the Butler property. CM Kennedy II read the comment asking the attorney if the entire hillside was affected by the proposal, asking if it was not publicized, and commenting on the environmental impact of the forested area. The comment asked what the council's position on the rezoning was.

Legislation

Resolution 01-21: A Resolution of the Mayor and Council of the Town of Forest Heights, Maryland to approve the employment and appointment of Zavion Adams as a Police Officer to serve within the Forest Heights Police Department and to approve reimbursement agreement; motion by CM Washington to waive the full reading; seconded by CW Hines; motion by CM Kennedy II to adopt Resolution 01-2021; seconded by CM Washington; no discussion; vote; (5 yes; 1 no response); motion passed.

Resolution 02-21: A Resolution of the Mayor and Council of the Town of Forest Heights, Maryland approving the appointment of three (3) ethics commissioners; motion by CM Washington to waive the full reading; seconded by CW Hines; discussion; CW Noble asked why this resolution and the other one on the agenda did not get introduced in the work session. The Town Clerk answered that she had been late in introducing them to the agenda. Second move by CM Kennedy II to waive the full reading; seconded by CM Washington; all in favor; motion passed. Motion by CM Washington to adopt Resolution 02-21; seconded by CW Hines; discussion; CM Kennedy II asked how the members were selected. He stated that at least one of them was not ethical in the past. The Mayor answered that she selected them. CW Noble asked if this gets brought up to the town at large, to increase awareness of the positions. She suggested putting a statement in the newsletter or on signs. Vote; (4 yes; 2 no;) motion passed.

Resolution 03-21: A Resolution of the Mayor and Council of the Town of Forest Heights, Maryland formally appointing and confirming the appointment of new election board members; Motion by CM Washington to waive the full reading; seconded by CW Hines; motion by CM Washington to adopt Resolution 03-21; seconded by CW Hines; discussion; CW Noble asked if there was any expiration for the two year terms for the election board members; The Town Attorney read the definite start date for the members to clarify that they did have expirations on their terms; vote (6 yes; 0 no) motion passed.

Charter Amendment Resolution 01-2021: A Charter Amendment Resolution of the Mayor and Council of the Town of Forest Heights, Maryland Amending Section 33-3 (Number; Selection, Term) and Section 33-15 (Number, Selection, Term) of the Charter of the Town of Forest Heights, Maryland to allow certain elected officials to finish their final term of elective office despite having less than one year more than a total of 12 years of continuous service and generally relating to term limitations for elective office withing the Town Government. Motion by CM Washington to waive the full reading seconded by CW Hines; motion by CM Washington to adopt Charter Amendment Resolution 01-21. The Town Attorney stated that the state law had changed. The public needed to have a 21-day notice with a hearing, so it cannot be approved tonight. Discussion: CM Barnes asked why the rule for election terms must be changed. CW Hines asked the Town Attorney if the charter amendment affects the sitting council. The Town Attorney explained that term limits were introduced in 2011. The 12-year limitation did not account for CM Kennedy II to start in May 2009 due to a special election. He was then elected to a two-year term. The change would handle a narrow circumstance that covers the two-year term so that it does not come to a special election/appointment in May 2021. It allows them to finish their term. CW Noble stated that she felt it was arbitrary and that it was introduced at the eleventh hour. CM Barnes said that if someone else wanted to run then they should be given a chance. The Town Attorney clarified. He said that there will be no two elections if CM Kennedy II ends his term on May 20th. His vacancy would be filled by appointment because it is less than 9 months. He responded to

CW Hines that they don't have to implement the charter, but that a similar situation may come up again. The law applying to changes affecting the sitting council only applies to salaries. CW Noble said that they should honor the decision of the councilpersons who came up with the term limit. CW Hines noted for the record that CM Kennedy II was one of those councilmembers. CM Kennedy II stated for the record that he wanted to make sure any successor did not also fall into this situation.

New Business: CW Hines commented that she got to view the new police department building, that it looked nice, and commended them for their hard work.

Mayor Muhammad commended the police department for taking part in providing security for the presidential inauguration, and that all the officers had returned home safe.

Meeting Adjourned: 9:02 PM

**Town of Forest Heights
Treasurer's Report
January 31, 2021**

- Updated -

	Bank Acct Balance	Quickbook Balance	Quickbook Balance
	<u>01/31/21</u>	<u>1/31/21</u>	<u>1/31/20</u>
TD Bank General Fund	294,391.76	226,820.84	669,301.73
TD Bank Rainy Day Fund	160,132.40	160,132.40	157,132.40
TD Bank Speed Camera	3,545,789.82	3,545,789.82	2,800,878.98
TD Bank Municipal Money Market	213,664.59	213,664.59	213,664.59
	<u>4,213,978.57</u>	<u>4,146,407.65</u>	<u>3,840,977.70</u>

General Fund Highlights:

1. Real Estate Tax distribution - \$405,478.24
2. Cares Act Grant distribution - \$8,777.00
3. Disposal Waste Rebate - \$1,999.00
4. GOCCP 2nd Quarter distribution - \$14,724.50
5. Verizon:
 - Franchise Fees received - \$6,811.71
 - Peg Grant distribution - \$4,332.24
6. Income Tax distribution - \$5,091.73

The Town of Forest Heights

Department of Public Works

Larry D. Vaughn, Director

January 28, 2021

Town Appearance:

- Maintenance and upkeep of the Community Park next to Henry's
- Daily Trash pickup on both sides of the town
- Monthly inspection of the Tot Lot
- Patching of potholes
- Reporting of Street light outages
- Leaf Pick up
- Cleaning storm drains and curbs of leaves and grass
- Cutting/removal of fallen trees
- Maintaining the Pet Waste Stations
- Monitoring of the Bigbelly Trash Compactors

Town Infrastructure:

- **N. Huron Drive**
 - David Cox (DPIE) ESC inspector failed sidewalk inspection due to cracks in two (2) sidewalk panels. Panels will have to be replaced at town's cost. A heavy, fully loaded truck drove over the sidewalk to access the park area and cracked two (2) sidewalk panels. At this time I am unable to determine who is responsible. So far, PGCPs and the NCPPC both say that it was not done by them. Also, the access area will need to be fenced off so that no one will be able to drive on the curb and sidewalk again.
 - Pepco removed guy wire in front of # 209 in order to come into ADA compliance, however there is another guy wire to be removed as well.
 - Crosswalks at N. Huron Dr. & Senaca Dr. has been completed
 - Invoice # 4 has been approved to pay out; invoice #5 is under review
 - Stop sign at pathway to Forest Heights Elem. School will be replaced with a speed hump per ADA, this will be a cost to the town. The crosswalk has been removed.
 - It has been recommended that the formal cleaning of the pervious sidewalk wait until early Spring (late February or early March).
 - Attend weekly conference call meetings
 - Participate in all onsite meetings
- **Sachem Drive – Hill:**
 - Met with Raja El-Awar (FES) and Mr. Joe Hawkins at Sachem Hill walk the site and to make contact with the residents whose property will be affected by the Erosion and Stabilization of the hill.

The Town of Forest Heights

Department of Public Works

Larry D. Vaughn, Director

- Mr. Al-Awar sent a “Schedule of Values” for the “Erosion and Stabilization” project on the hill on Sachem Dr.
- Received the results from Drastic Measures, who conducted a boundary survey on the town’s property (p.49 & P.51), located on Talbert Dr. / Audrey La.
- RFP needed for the sidewalks that will need repairing or replacing.
- RFP needed for the streets that will need patching
- Both parties, Goode Trash & TOFH, working together for a better solution to eliminate the excess trash in the streets. This is an ongoing effort. There are still a number of complaints coming in from the town’s residents.
- Received a draft of “TOFH Preliminary Stormwater Management Study” from Emily Clifton (LID) which shows possible BMP’s for TOFH Storm Water Management issues.
- Attended a Zoom call with LID members to go over the draft document. Mr. Watkins and Mr. Privado both attended the Zoom call as well.
- Weisman Electric has completed the running and connection of the cables needed to power the new electric sign.
- Kerley Signs hopes to have the sign installed by the end of the week.
- **Cree Drive**
 - Raja El-Awar (FES) will send his version of a proposal for us to use as a possible template as Mr. Robinson and I start the RFP process.
The pavement is heavily distressed/cracked due to a number of overlays and groundwater run-off. Residents have sent in numerous complaints about Cree Dr., this has not been overlooked or forgotten. There have been a number of inspections performed pertaining to Cree Dr. Government agencies, Contractors, WSSC, as well as Engineering Firms have looked at the cause of the breakdown of the pavement. The water has been tested by PG Department of the Environment to try to determine its origin. It is still to be determined. It is believed that approx. 50% of the water source may be coming from the homeowner. It’s not in the best interest of the street to repair one or two areas, as the water has not ceased to flow. To repair Cree Drive, it will be a very intensive and expensive venture.
- **Rolph Drive**
 - The Pervious Concrete Sidewalk has started faulting and cracking. Mr. Drew Parks (Z-Con Concrete) came out to inspect the sidewalk. He has provided the town with a cost estimate (\$8,319.61) to clean and repair the sidewalk.
 - I received an email from Jenni Woolworth (AD Marble) recently, that they are talking with the pervious sidewalk contractor as to the possible causes of the distress in the pavement. From previous talks, Scheibel intends to fix this.

The Town of Forest Heights

Department of Public Works

Larry D. Vaughn, Director

Building Infrastructure:

- DPW painted, laid carpet tile and changed lock on door of the new office for the Treasurer, Mrs. Vaughn and moved her into the office area vacated by the Police Dept.
- DPW painted the new office of the Code Enforcement Officer Mr. Hawkins.
- Locks are being replaced on both, front entrance and rear entrance to the Police Dept.
- Long Fence removed extra fence panels, poles and concrete blocks from 606 Modoc.
- The Town Hall building is being cleaned and sanitized daily by DPW

Equipment Maintenance

- Large Leaf Vac was repaired by Byrd Tractor
- Ford F-250 Dump Truck repaired by Norris Auto
- STIHL Chain Saw deemed unrepairable by Suitland Lawnmower and engine repair. Mr. Watkins repaired it.

Other Areas:

- Water main break and repair on Arapahoe Dr.
- WSSC preparing to repair a water main on the property of 5807 Blackhawk Dr., discussing the removal of 9" hickory tree. Whether it is in the ROW or on the resident's property.
- Answering Resident Communication
- Making/receiving phone calls, follow ups and meetings with contractors and vendors daily

GREENWILL

– Government Relations –

January 29th, 2020

The Town of Forest Heights – January Briefing

Below are several topics we wish to brief the Board on, at Monday's meeting, February 1st, 2020. The information covers committee updates from January, Forest Heights initiatives, as well as new and continuing issues/initiatives that we are currently hearing out of Annapolis.

January 2020 Committee Hearings/Initiatives

- Emergency Legislation
- COVID Relief & Education
- Sports Wagering & Gaming - Workgroups
- HBCU funding
- Judiciary – Police Reform

Forest Heights Initiatives

- 2021 Legislative Ask – 100k increase in Local Impact (Casino) Grant – Greenwill is advocating for a permanent budget amendment that would be a reoccurring line item for a specified amount of time.

CODE ENFORCEMENT



CODE ENFORCEMENT REPORT JANUARY 2021

- The Seven Eleven at 5521 Livingston RD as you know was burned down and the owner passed the store has been brought by new ownership and they are in the process of renovating the store don't have a projected date but I am told it will reopen.
- Star Cleaners at 5529 Livingston RD as you probably have noticed it looks like an explosion happened at the site, spoke to the owner he is waiting for permits from the County because of the pandemic the process has been prolonged but in the meantime he is going to remove the debris and clean up the property he has been put on notice and fined.

NUISANCE ISSUES IN THE TOWN

- **BULK TRASH PICKUP**

Bulk items being put out for pickup on Monday's which is for trash, recycling, and yard waste pick up only, bulk items will not be allowed to sit in the Town Right of way from Sunday until Thursday.

- **OPEN STORAGE**

What is open storage? Open storage is miscellaneous items trash, boxes of goods, car parts, inoperable vehicles, lawn equipment, appliances, construction materials, thrown about or haphazardly around a residential property. This type of storage makes habitat for feral animals, snakes, and rodent infestations it's a health risk.

- **NUISANCE DOGS RUNNING OFF LEASH**

Dogs running about Town off leash howling and fowling residents' property.

These are just a few issues that have been plaguing the Town we will be making an assertive effort to correct these problems.

TOWN OF FOREST HEIGHTS
AUTOMATED SPEED ENFORCEMENT OMBUDSMAN
January 2021
Ombudsman Report
Ronald B Govan

For the month of January, the Town of Forest Heights had

- **11** Late fees requested
- **10** Late fee requests granted
- **6** Cancel citation

FOREST HEIGHTS POLICE DEPARTMENT JANUARY REPORT

Incident Type	Total	
911 DISCONNECT	12	PLEASE DON'T FORGET
ACCIDENT	4	
ADDED INFORMATION	1	
ASSAULT COMBINED	1	TO LOCK YOUR CAR DOORS!!!!!!!!!!!!!!
ASSIST FIRE EMS	1	
BREAK IN IN PROGRESS	2	
BREAK IN REPORT	1	<i>Do not leave a running car unattended.</i>
CHECK WELFARE	1	<i>It is a crime</i>
CHECK WELFARE COMBINED	2	
DEATH REPORT	1	
DISORDERLY	4	
DOMESTIC	4	
FAMILY DISPUTE	3	
FIGHT COMBINED	1	
FRAUD	1	
HIT AND RUN	2	
LOUD MUSIC COMPLAINT	1	Fortitude Honor Peacemaker Devoted
MISC POLICE INCIDENT	14	
NOISE COMPLAINT	1	
NOTIFICATION	1	STATISTICAL REPORT
PARTY COMPLAINT	2	
PREMISE CHECK	158	Parking Citations Issued 6
PROPERTY DAMAGE	2	
REPORTED CARJACKING	1	Arrest-9
REPORTED T/A ROBBERY	1	
RESIDENTIAL ALARM	3	Impounds-63
STOLEN VEH	1	
SUBJECT STOP	1	
SUSPICIOUS AUTO	1	
SUSPICIOUS OCC AUTO	5	
SUSPICIOUS PERSON	1	
THREATS COMPLAINT	1	
TRAFFIC COMPLAINT	4	
UNKNOWN TROUBLE	8	
Total Calls -->	248	

Town Council Work Session Report For 2.1.21 (Town Administrator)

COVID-19 Vaccinations Now Available for Certain Town Employees (Continuity of Government)

Recently, someone on the staff may have contacted you to schedule a COVID-19 vaccination. This opportunity is made available by Prince George's County and its Phase 1 vaccination efforts.

The County has reached out to municipalities to establish lists of "Continuity of Government" employees who are now eligible as part of the Phase 1 group. Continuity of Government employees are defined as any employees considered critical for the operation and delivery of municipal services. This includes members of the executive staff, department staff that provide or maintain critical functions such as law enforcement and public works and town council members.

The town began reaching out to such employees last week and many already have vaccination dates scheduled within the next week or two.

If you would like to be considered for a vaccination or learn more about this process, please contact the Town Administrator.

Growth & Enhancement of Forest Heights Police Department

As you know, the Forest Heights Police Department has grown significantly of late in terms of personnel, vehicles and needed safety and support equipment.

Over the last few months, Police Chief Rease has filled several positions including the hiring of two Police Lieutenants as part of his plan to provide management and leadership to sustain efficient and effective operations, as well as realize the goal of providing 24-hour police protection for Forest Heights.

At present there are a total of 13 sworn police officers on staff within the department with the recent hiring of Officer Zavion Adams. This completes the department goal of reaching authorized strength.

The Police Department has also recently moved into new, temporary office space located at 606 Modoc Lane. You are encouraged to visit the new space for a tour if interested!

For more information, please contact the Police Chief.

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS
CHARTER AMENDMENT RESOLUTION NUMBER 01 - 21**

A CHARTER AMENDMENT RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND AMENDING SECTION 33-3 (NUMBER; SELECTION, TERM) AND SECTION 33-15 (NUMBER; SELECTION, TERM) OF THE CHARTER OF THE TOWN OF FOREST HEIGHTS, MARYLAND TO ALLOW CERTAIN ELECTED OFFICIALS TO FINISH THEIR FINAL TERM OF ELECTIVE OFFICE DESPITE HAVING LESS THAN ONE-YEAR MORE THAN A TOTAL OF 12-YEARS OF CONTINUOUS SERVICE AND GENERALLY RELATING TO TERM LIMITATIONS FOR ELECTIVE OFFICE WITHIN THE TOWN GOVERNMENT.

INTRODUCED BY: Mayor Habeeb-Ullah Muhammad

WHEREAS, the Town Council is authorized by Article XI-E, § 4 of the Constitution of the State of Maryland and Subtitle 3 of Title 4 of the LG Article of the Annotated Code of Maryland, to amend the Town Charter by a resolution of the legislative body of the municipal corporation; and

WHEREAS, the General Assembly of Maryland passed House Bill 615 during the 2018 session effective July 1, 2018 requiring the legislative body of a municipality to hold a public hearing and give at least 21-days' notice by posting the notice in a public place before adopting a resolution initiated by the legislative body that proposes an amendment to the municipal charter; and

WHEREAS, the Council amended Sections 33-3 and 33-15 *et al.* of the Town Charter on January 22, 2011 pursuant to Charter Amendment Resolution 01-11 that became effective 50-days later establishing term limits for elective office by adding a clause at the end of the first sentence of each section applicable to the Councilpersons and the Mayor stating "...but in no case shall a person elected to the office of mayor [or council] or any other elective office under this charter serve more than twelve (12) consecutive years in elective office;" and

WHEREAS, the Mayor and Council find that regarding the above-referenced amendment there may be unusual cases where an elected official instead of beginning one's continuous service by means of a general election, said official could be chosen to fill a vacancy in office pursuant to a special election or by appointment of the governing body, depending on the amount of time left in the predecessor's term of office at the time the vacancy occurred, thereby causing the initial service during the first term of office to be less than a full two-year term, which would thereafter permit such elected officials to seek a final term of office having less than 12-years of continuous service but not enough time to complete the last elected term before the running of 12-year limitation period; and

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS
CHARTER AMENDMENT RESOLUTION NUMBER 01 - 21**

WHEREAS, the Mayor and Council further find that it is in the best interest of the Town to amend the Town Charter to allow elected officials faced with the above-described circumstances to avoid further vacancies and complete their last remaining terms of office for which they were duly elected despite exceeding the 12-year municipal term limitation by less than one year as otherwise prohibited by the Charter.

Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS on this ____ day of February 2021, that Section 33-3 (Number; selection, term) and Section 33-15 (Selection, term) of the Charter of The Town of Forest Heights, Maryland shall be and is hereby amended to read as follows:

* * *

THE COUNCIL

Section 33–3. Number; selection, term.

All legislative powers of the Town shall be vested in a Council consisting of the Mayor and six Councilmen who shall be elected as hereinafter provided and who, unless otherwise stated herein, shall hold office for a term of two years or until the succeeding Council takes office, but in no case shall a person elected OR APPOINTED to Council or any other elective office under this Charter serve more than twelve (12) consecutive years in elective office, EXCEPT TO FINISH THE REMAINDER OF A FINAL TERM IN THOSE CASES WHERE THE PERSON WAS INITIALLY ELECTED OR APPOINTED TO FILL A VACANCY IN OFFICE FOR A PARTIALLY REMAINING TERM OF OFFICE. The regular term of Councilmen shall expire on the first Wednesday following the election and qualification and installation of their successors. Except as otherwise stated herein, Councilmen holding office on March 22, 2012, shall continue to hold office for the term for which they were elected and until the succeeding Council takes office under the provisions of this Charter. Any Councilman serving a term of office that expires pursuant to this Charter nonconcurrently with the Mayor's term of office and who files a certificate of nomination with the Town Clerk pursuant to Section 33-31 of this Charter wishing to be elected to serve as Mayor after the next election, whether he be found qualified for said office or not, or otherwise is elected thereto, shall on the tenth (10) day after said filing, unless said certificate of nomination is otherwise expressly withdrawn in writing by said candidate delivered to the Town Clerk, by operation of law, irrevocably forfeit his remaining term of office as Councilman or otherwise shorten the term of his office to one (1) year to become effective immediately following the forthcoming election, and qualification and installation of his successor pursuant to this Charter. In such cases whereby two (2) Council seats in a given ward become open for election pursuant to this section the person with the most votes will take the 2-year seat and the runner-up will fill the vacancy with the 1 year remaining.

* * *

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS
CHARTER AMENDMENT RESOLUTION NUMBER 01 - 21**

THE MAYOR

Section 33-15. Selection and term.

The Mayor shall be elected as hereinafter provided and shall hold office for a term of two years or until his successor is elected and qualified, but in no case shall a person elected to the office of Mayor or any other elective office under this Charter serve more than twelve (12) consecutive years in elective office EXCEPT TO FINISH THE REMAINDER OF A FINAL TERM IN THOSE CASES WHERE THE PERSON WAS INITIALLY ELECTED OR APPOINTED TO FILL A VACANCY IN OFFICE FOR A PARTIALLY REMAINING TERM OF OFFICE. The newly elected Mayor shall take office on the first Wednesday following his election.

* * *

Section 2. BE IT FURTHER RESOLVED that this Charter Amendment Resolution is adopted on the aforementioned date, and that upon adoption by the Mayor and Council of The Town of Forest Heights, Maryland, a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Office for a period of at least forty (40) days following the date of its adoption. Additionally, a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in The Town of Forest Heights not less than four (4) times at weekly intervals within the forty (40) days following the adoption this Charter Amendment Resolution.

Section 3. BE IT FURTHER RESOLVED that the Amendment initiated in this Charter Amendment Resolution shall take effect and shall become and be considered the Charter of The Town of Forest Heights, upon the fiftieth day after being so ordained or passed unless on or before the fortieth day after being so adopted and passed a referendum petition meeting the requirements of State law shall be presented to the Mayor and Council of The Town of Forest Heights, Maryland or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

Section 4. BE IT FURTHER RESOLVED that when the Charter Amendment hereby initiated becomes effective, as provided herein, or following a referendum election, the Town Clerk shall send separately, by certified mail, return receipt requested, to the Department of Legislative Services within 10 days after the charter resolution becomes effective, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Mayor and Council of The Town of Forest Heights, Maryland or a referendum election; and (iv) the effective date of the Charter Amendment.

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS
CHARTER AMENDMENT RESOLUTION NUMBER 01 - 21**

Section 5. BE IT FURTHER RESOLVED that the Town Clerk of The Town of Forest Heights is specifically instructed to carry out the provisions of Sections 2, 3, and 4 hereof, as evidence of compliance herewith, the Town Clerk shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the Mayor and Council Meeting in which it is adopted (i) an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and (ii) return receipts of the mailing referred to in Section 4, and shall further complete and execute the Certificate of Effect attached hereto.

PASSED by the Mayor and Council of The Town of Forest Heights, Maryland at a regular or special meeting on the ___ day of February 2021.

ATTEST:

THE TOWN OF FOREST HEIGHTS,
MARYLAND

Sherletta Hawkins, Town Clerk

Habeeb-Ullah Muhammad, Mayor

Calvin Washington, Council President

CERTIFICATE OF EFFECT

I, HEREBY CERTIFY THAT THE FOREGOING CHARTER AMENDMENT RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS DESIGNATED CHARTER AMENDMENT RESOLUTION NO. 01 - 21, WAS DULY INTRODUCED, READ, AND WAS ADOPTED BY THE MAYOR AND COUNCIL AT A DULY ANNOUNCED PUBLIC MEETING AND THEREAFTER POSTED AND ADVERTISED FOR FOUR SUCCESSIVE WEEKS, IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND AND CHARTER OF THE TOWN OF FOREST HEIGHTS.

ATTEST: _____

CAPITALS	:	Indicate matter added to existing law	Page 4 of 5
[[Brackets]]	:	Indicate matter deleted from existing law	
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.	

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS
CHARTER AMENDMENT RESOLUTION NUMBER 01 - 21**

Sherletta Hawkins, Town Clerk
Town of Forest Heights, Maryland

CHARTER AMENDMENT RESOLUTION (“CAR”) SCHEDULE

DATE OF 21-DAY PUBLIC HEARING NOTICE _____
DATE OF CAR INTRODUCTION/PASSED _____
40-DAY POSTING END DATE: _____
FAIR SUMMARY NEWSPAPER _____
WEEKLY PUBLICATION DATES (x 4): _____

EFFECTIVE (50TH DAY) DATE: _____

CAPITALS	:	Indicate matter added to existing law	Page 5 of 5
[[Brackets]]	:	Indicate matter deleted from existing law	
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**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS
CHARTER AMENDMENT RESOLUTION NUMBER 02 - 21**

A CHARTER AMENDMENT RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND, EXPEDITED PURSUANT TO GUBERNATORIAL EMERGENCY ORDER, AMENDING SECTIONS 33-18 (THE MAYOR; POWERS AND DUTIES) AND 33-38 (REGISTRATION, NOMINATIONS AND ELECTIONS; REGULATION AND CONTROL) OF THE CHARTER OF THE TOWN OF FOREST HEIGHTS, MARYLAND TO AUTHORIZE AND ALLOW THE MAYOR AND COUNCIL DURING A DECLARED CIVIL EMERGENCY TO AMEND OR MODIFY BY PROCLAMATION AND SUBSEQUENT RESOLUTION THE MANNER OF VOTING AND CASTING OF BALLOTS AND OTHER PROCEDURES AND REQUIREMENTS PERTAINING TO THE CONDUCT OF ELECTIONS PREVIOUSLY ESTABLISHED BY CHARTER OR ORDINANCE CODE AND GENERALLY RELATED TO REGISTRATION, NOMINATIONS AND MUNICIPAL ELECTIONS

INTRODUCED BY: Mayor Habeeb-Ullah Muhammad

WHEREAS, the Town of Forest Heights, Maryland pursuant to its Charter is scheduled to hold a Municipal Election on the “second Wednesday of March” or the 10th day of March 2021; and

WHEREAS, to initiate a charter change pursuant § 4-304 of the LG Article of the Maryland Code, the elected governing body of a municipality must typically first pass a resolution to effect a charter change and must post an exact copy of the charter amendment resolution at the town hall or some other public place for at least 40 days after passage of the resolution, and the law further requires the municipality to publish a “fair summary” of the proposed amendment not less than four times at weekly intervals in a newspaper of general circulation in the community, and unless an approved charter amendment is petitioned to referendum, an amendment becomes effective 50 days after a municipal governing body passes a charter amendment resolution; and

WHEREAS, furthermore the General Assembly of Maryland added additional time needed to pass a charter amendment when it passed HB 615 during the 2018 session effective July 1, 2018 requiring the legislative body of a municipality to hold a public hearing and give at least 21-days’ notice by posting the notice in a public place before adopting a resolution initiated by the legislative body that proposes an amendment to the municipal charter; and

WHEREAS, the Governor of Maryland, as of March 5, 2020, declared a state of emergency and catastrophic health emergency for the epidemic known as COVID-19, and the Governor subsequently postponed the State primary election and took other extraordinary measures contemporaneous and subsequent thereto including but not limited to the method,

CAPITALS	:	Indicate matter added to existing law	Page 1 of 8
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Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.	

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mode and procedures in voting at the General Election and other measures applied throughout the pandemic that have continued well into the new year; and

WHEREAS, the Governor's Order dated March 12, 2020 (No. 20-03-30-03) states that "[t]he head of each unit of State or local government may, upon a finding that the suspension [of legal time requirements] will not endanger the public health, welfare, or safety, and after notification to the Governor, suspend the effect of any legal or procedural deadline, due date, time of default, time expiration, period of time, or other time of an act or event described within any State or local statute, rule, or regulation that it administers...[and] that the unit head shall provide reasonable public notice of any such suspension..."; and

WHEREAS, the Governor's Office of Counsel and the Town Attorney have opined that in order to properly suspend or modify the conduct of election requirements found in a municipal charter, that a charter amendment resolution should be passed along with an appropriate notice and/or proclamation issued pursuant to a civil emergency powers ordinance that suspends the state statutory procedures (Subtitle 3 of Title 4 of the LG Art.) for adopting a charter amendment resolution, in part, because the Governor can order the suspension of deadlines and timelines in state statutes; but, in the opinion of the Governor's counsel, the Governor cannot suspend the Constitution of Maryland, which expressly requires that a charter amendment resolution be adopted pursuant to Article XI-E (Municipal Home Rule) in order to abrogate the elections procedures and requirements (e.g., the method of voting such as solely by mail, drop box or some other means contrary to the current Charter); and

WHEREAS, the Governor's Order (No. 20-03-30-03) entitled "Enabling Municipalities to Postpone Elections," dated March 30, 2020 states that "[a] municipality may suspend the effect of a provision of Title 4, Subtitle 3 of the Local Government Article of the Maryland Code if...the municipality provides notice to the Governor; and finds that such suspension will not endanger the public health, welfare or safety; and is necessary to amend; a. the date on which the municipal election will be held; or the method, conduct or voting system of an election in a manner that ensures an accurate vote count and certification of the election results; and b. [t]he provision regards: i. [p]ublic hearings to be held on proposed amendments to the municipal charter; or ii. [t]he date the amendments shall take effect as part of the municipal charter after the resolutions are adopted;" and

WHEREAS, Section 33-38 of the Town Charter empowers the Town Council to provide by ordinance in every respect not covered by the provisions of the Town Charter for the conduct of registration, nomination, and Town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud; and

WHEREAS, the Mayor and Town Council find that during the current State and/or locally declared emergency it is in the best interest of the Town to immediately amend the Town Charter to provide the Mayor or Council with the authority to cause the modification of certain

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election related procedures and timelines, and that that the Governor's Emergency Orders dated March 12 & 30, 2020 allowing for the abrogation of legal and regulatory timeframes found in State statutes for adopting this charter amendment resolution should be invoked or utilized to change and modify the procedural requirements found in the relevant State statutes to allow this charter amendment resolution to take effect immediately or soon after its passage.

Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS on this 17th day of February 2021, that Section 33-18 (Powers and duties) and Section 33-38 (Regulation and control) of the Charter of The Town of Forest Heights, Maryland shall be and is hereby amended to read as follows:

* * *

THE MAYOR

* * *

Section 33-18. Powers and duties.

* * *

(e) Other POWERS AND DUTIES. The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of him OR HER by the Council OR OTHER LAW, not inconsistent with this Charter, INCLUDING BUT NOT LIMITED TO THOSE POWERS DELEGATED TO THE MAYOR BY ORDINANCE, STATE STATUTE OR THE GOVERNOR'S PROCLAMATIONS TO BE EXERCISED DURING DECLARED CIVIL EMERGENCIES.

* * *

REGISTRATION, NOMINATIONS, AND ELECTIONS

* * *

Section 33-38. Regulation and control.

(A) The Council shall have the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of registration, nomination, and Town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.

(B) THE COUNCIL MAY AUTHORIZE BY ORDINANCE THAT DURING A DECLARED LOCAL (MUNICIPAL) OR STATE EMERGENCY AND UPON A FINDING THAT THE SUSPENSION, MODIFICATION OR CHANGE WILL NOT ENDANGER THE PUBLIC

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HEALTH, WELFARE OR SAFETY AND AFTER REASONABLE NOTIFICATION TO THE GOVERNOR AND THE PUBLIC:

(1) THE MAYOR BY PROCLAMATION OR THE COUNCIL BY SUBSEQUENT WRITTEN RESOLUTION MAY SUSPEND OR MODIFY THE EFFECT OF ANY LEGAL OR PROCEDURAL DEADLINE, DUE DATE, TIME OF DEFAULT, TIME EXPIRATION, PERIOD OF TIME, OR OTHER TIME FRAME REQUIRED OR PRESCRIBED OF AN ACT OR EVENT DESCRIBED WITHIN THIS CHARTER REGARDING THE CONDUCT OF REGISTRATION, NOMINATIONS, AND TOWN ELECTIONS; AND

(2) THE MAYOR OR COUNCIL MAY MODIFY OR CHANGE THE PROVISIONS OF THIS CHARTER FOR THE SAFE AND EFFICIENT CONDUCT OF REGISTRATION, NOMINATIONS, AND TOWN ELECTIONS AND FOR THE PREVENTION OF FRAUD IN CONNECTION THEREWITH, AND FOR A RECOUNT OF BALLOTS IN CASE OF DOUBT OR FRAUD.

* * *

SECTION 2. AND BE IT FURTHER RESOLVED that, unless an emergency proclamation, notice or resolution issued subsequently states otherwise, this Charter Amendment Resolution is adopted on the aforementioned date, and that upon a hearing and adoption by the Town Council, a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Office for a period of at least forty (40) days following the date of its adoption; and, additionally, unless a proclamation, notice or resolution states otherwise, a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in the Town of Forest Heights not less than four (4) times at weekly intervals within the forty (40) days following the adoption this Charter Amendment Resolution, and the Clerk to the Council shall further endeavor, as much as practical, to publish a summary or a complete copy of this resolution by as many methods of communication as are reasonably possible of the following: posting on the Town's website, newsletter, the Cable TV channel, or any appropriate list serve or social media platform.

SECTION 3. AND BE IT FURTHER RESOLVED that unless an emergency proclamation or other authorized resolution or notice (See Attachment A, below) suspending, modifying or changing the applicable timelines and procedural constraints states otherwise, the Amendment initiated in this Charter Amendment Resolution shall take effect and shall become and be considered part of the Charter of the Town of Forest Heights, upon the fiftieth day after being so ordained or passed unless on or before the fortieth day after being so adopted and passed a referendum petition meeting the requirements of State law shall be presented to the Town or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

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SECTION 4. AND BE IT FURTHER RESOLVED that the Amendment initiated in this Charter Amendment Resolution shall become effective, and unless an emergency proclamation or other authorized resolution or notice (See Attachment A, below) suspending, modifying or changing the applicable timelines and procedural constraints states otherwise, shall take effect and shall become and be considered the Charter of the Town of Forest Heights, upon the fiftieth day after being so adopted or passed unless on or before the fortieth day after being so adopted and passed a referendum petition meeting the requirements of State law shall be presented to the Mayor and Council of the Town of Forest Heights or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

SECTION 5. AND BE IT FURTHER RESOLVED that when the Charter Amendment hereby initiated becomes effective, as provided herein, or following a referendum election, the Town Clerk shall send separately, by certified mail, return receipt requested, to the Department of Legislative Services within 10 days after the charter resolution becomes effective, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Council of the Town of Forest Heights or a referendum election; and (iv) the effective date of the Charter Amendment.

SECTION 6. AND BE IT FURTHER RESOLVED that the Town Clerk of the Town of Forest Heights is specifically instructed to carry out the provisions of Sections 2, 3, 4 and 5 hereof, as evidence of compliance herewith, the Town Clerk shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the Council Meeting in which it is adopted (i) an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and (ii) return receipts of the mailing referred to in Section 3, and shall further complete and execute the Certificate of Effect attached hereto.

PASSED by the Mayor and Council of The Town of Forest Heights, Maryland at a regular or special meeting on the 17th day of February 2021.

ATTEST:

THE TOWN OF FOREST HEIGHTS,
MARYLAND

Sherletta Hawkins, Town Clerk

Habeeb-Ullah Muhammad, Mayor

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Calvin Washington, Council President

CERTIFICATE OF EFFECT

I, HEREBY CERTIFY THAT THE FOREGOING CHARTER AMENDMENT RESOLUTION OF THE TOWN COUNCIL FOR THE TOWN OF FOREST HEIGHTS DESIGNATED AS CHARTER AMENDMENT RESOLUTION NO. 02-2021, AFTER NOTICE AND A HEARING, WAS DULY INTRODUCED, READ, AND WAS ADOPTED BY THE MAYOR AND COUNCIL AT A DULY ANNOUNCED PUBLIC MEETING AND THEREAFTER POSTED AND ADVERTISED IN A REASONABLE MANNER, IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, THE CHARTER OF THE TOWN OF FOREST HEIGHTS, AND THE ENABLING ORDERS OF THE GOVERNOR (NO. 20-03-30-03) ENTITLED "ENABLING MUNICIPALITIES TO POSTPONE ELECTIONS," DATED MARCH 30, 2020 AND ANY RELEVANT CIVIL EMERGENCY PROCLAMATION OF THE MAYOR.

ATTEST:

Sherletta Hawkins, Town Clerk
Town of Forest Heights, Maryland

**CHARTER AMENDMENT RESOLUTION ("CAR") SCHEDULE PER GOVERNOR'S
EMERGENCY ORDER (NO. 20-03-30-03) AND MAYORAL PROCLAMATION**

DATE OF PUBLIC HEARING NOTICE	<u>Feb. 12, 2021</u>	(At least 5 days)
DATE OF INTRODUCTION/PASSED	<u>Feb. 17, 2021</u>	
POSTING END DATE:	<u>Mar. 14, 2021</u>	(30 days)
FAIR SUMMARY NEWSPAPER		
PUBLICATION DATES (if any)	<u></u>	(Optional)
	<u></u>	(Optional)
TOWN NEWSLETTER PUBLICATION DATE	<u></u>	(Req't by Order)
EFFECTIVE DATE:	<u>Feb. 22, 2021</u>	
MAYOR'S PROCLAMATION	<u>Feb. 17, 2021</u>	

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ATTACHMENT A – CHARTER AMENDMENT RESOLUTION 02-2021

THE TOWN OF FOREST HEIGHTS – NOTICE TO GOVERNOR AND PUBLIC

This notice is given by Mayor Habeeb-Ullah Muhammad of the Town of Forest Heights, Maryland acting pursuant to the Proclamation of Governor Lawrence J. Hogan, Jr. (the “Governor”) dated March 5, 2020, proclaiming a state of emergency and a catastrophic health emergency related to COVID-19, as it may be amended or renewed from time to time, and the Order of the Governor dated March 12, 2020, entitled “Extending Certain Licenses, Permits, Registrations, and Other Governmental Authorizations, and Authorizing Suspension of Legal Time Requirements;” and, the Governor’s Order (No. 20-03-30-03) entitled “Enabling Municipalities to Postpone Elections,” dated March 30, 2020.

The time frame modification applies to the Town of Forest Heights’ Charter Amendment Resolution 02-2021, identifying the statutory provisions found in Subtitle 3 of Title 4 of the LG Art. of Md. Ann. Code and namely § 4-304 of said Art. Said Charter Amendment Resolution shall take effect immediately after a public hearing to be held on April 2, 2020. Notice of the hearing by posting the notice at the main municipal building for no less than five (5) days, and posting an exact copy of the resolution at the main municipal building for five (5) days after said resolution is adopted, and publishing a fair summary of the proposed amendment on the Town's website after the resolution is adopted. Any effect of Subtitle 3 of Title 4 of the LG Art. of Md. Ann. Code inconsistent with the foregoing is hereby suspended.

This Notice is effective immediately and shall remain in effect until 30 days after the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded.

TOWN OF FOREST HEIGHTS

Date: _____

By: _____
Habeeb-Ullah Muhammad, Mayor

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Note: Based on a memorandum dated March 15, 2020 from Governor's Office of Legal Counsel, the agency/municipality should send a draft of the public notice to Mike Pedone (mike.pedone@maryland.gov) and Chris Mincher (christopher.mincher@maryland.gov) in the Governor's Office of Legal Counsel. In the cover email provided at least 24 hours in advance, please briefly explain the rationale for the modification. E-mail a copy of the final notice to the Office of Legal Counsel at the same time you release it publicly. That e-mail will satisfy the requirement to provide "notification to the Governor", as required by paragraph III.a of the Order.

THE TOWN OF FOREST HEIGHTS, MARYLAND
MAYORAL PROCLAMATION

A MAYORAL PROCLAMATION CONTINUING AND FURTHER MODIFYING THE DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY, AS AMENDED, AND CONTINUING THE CLOSURE OF TOWN HALL EXCEPT FOR CERTAIN AUTHORIZED ACTIVITIES INCLUDING THE OPERATION OF A MUNICIPAL POLLING PLACE; AND SUSPENDING THE EFFECT OF ANY LEGAL OR PROCEDURAL DEADLINE, PERIOD OF TIME, OR OTHER TIME OF AN ACT OR EVENT DESCRIBED WITHIN SUBTITLE 3 OF TITLE 4 OF THE LG ART. OF MD. ANN. CODE IN ORDER TO IMMEDIATELY OR EXPEDITIOUSLY ENACT A CHARTER AMENDMENT RESOLUTION TO AUTHORIZE THE MAYOR AND COUNCIL BY PROCLAMATION TO MODIFY, CHANGE OR TAILOR THE PROVISIONS OF THE TOWN CHARTER TO ENSURE THE SAFE AND EFFICIENT CONDUCT OF REGISTRATION, NOMINATIONS, AND TOWN ELECTIONS DURING THE PANDEMIC AND FOR THE PREVENTION OF FRAUD IN CONNECTION THEREWITH, AND FOR A RECOUNT OF BALLOTS IN CASE OF DOUBT OR FRAUD; AND FOR PROVIDING SAFEGUARDS, STANDARDS AND PRECAUTIONARY MEASURES FOR THE USE OF THE MUNICIPAL BUILDING AS A POLLING PLACE AND ABSENTEE BALLOT DROP BOX LOCATION FOR THE UPCOMING TOWN GENERAL ELECTION TO BE HELD ON MARCH 10, 2021

WHEREAS, the Governor, as of March 5, 2020 and thereafter, has issued orders initially declaring a state of emergency and catastrophic health emergency for the epidemic known as COVID-19; and

WHEREAS, the Mayor of the Town of Forest Heights issued a proclamation declaring a local emergency on April 5, 2020 and therewith (i) closed the municipal building to the public, and (ii) declared all parks and open spaces closed to any human assembly including all courts, pavilions, fields and playgrounds, etc.; and

WHEREAS, the Town Council of Forest Heights passed Resolution 23-20 on May 4, 2020 approving an extension of the Mayor's Proclamation declaring an emergency on April 5, 2020 beyond 30 days and throughout the same duration as the Governor's State declared health emergency or until it is otherwise terminated by the Town; and

WHEREAS, the Town Council of Forest Heights passed Emergency Ordinance 01-20 on May 20, 2020 amending Article 2 of the Town Code to define essential employees and to expand the emergency powers of the Mayor to include but not limited to: (22) issuing an order to derogate, change, suspend or modify express ordinance provisions, resolutions or regulations of the Town including but not limited to ordinances, resolutions and regulations established for supervising, conducting, keeping the polls open, canvassing or postponing a municipal election or to prescribe the method or means of conducting a municipal election, and (23) provided that an emergency order of the Governor authorizes the Mayor to do so, issue an order abrogating, suspending or modifying, any relevant and existing statute, regulation, or other time or act of an event described

within any state or local statute, ordinance, rule or regulation that the town adopts or administers to allow for extensions of legal or procedural deadlines, permits, licenses, registrations, or other permissions, deadlines or mandated filings to extend or avoid lapsing of same for a period of time extending for up to 30 days after the emergency; and

WHEREAS, the Town Council of Forest Heights passed Resolution 24-20 on May 20, 2020 approving certain compensation or hazardous duty pay for designated Town employees serving during the declared emergency, in part, paid for by the CARES Act; and

WHEREAS, the Town Council of Forest Heights passed Resolution 37-20 on June 1, 2020 cancelling Forest Heights Day and National Night Out for 2020, and adopting by reference Co. Executive Order No. 10-2020 and further allowing said County Order to be enforced by the Town; and

WHEREAS, the Mayor of the Town of Forest Heights issued a proclamation on July 23, 2020 continuing the health emergency and continuing to close the Municipal Building to the public except for essential police operations as well as adopting by reference Co. Executive Order No. 15-2020 and further allowing said Co. Order to be enforced by the Town; and

WHEREAS, an Order of the Governor of the State of Maryland Number 20-09-01-01 issued September 1, 2020, specifically authorized political subdivisions to issue more restrictive orders than issued by the Governor including requiring any businesses, organizations, establishments, or facilities to close or modify their operations; and/or requiring individuals to remain indoors or to refrain from congregating; and

WHEREAS, the Mayor of the Town of Forest Heights issued a proclamation further declaring a local emergency on November 4, 2020 and ordering the Town offices and Municipal Building to continue to be closed to the public and that most of the staff would continue telework with the following exceptions: (i) police operations and use of spaces to support those operations, and (ii) allowing the conduct of organized municipal health maintenance or exercise classes approved by the Mayor or Council including a senior exercise class to be held in the Community Room of the Municipal Building every Tuesday and Thursday (5:30 P.M. to 6:30 P.M.); and

WHEREAS, Prince George's County, Maryland previously issued the following emergency declarations: Executive Order Number 6-2020 dated March 16, 2020; Executive Order Number 7-2020 dated April 13, 2020; CR-31-2020 adopted May 11, 2020; Executive Order Number 8-2020 dated May 14, 2020; Executive Order Number 10-2020 dated May 28, 2020; CR- 51-2020 adopted June 9, 2020; Executive Order Number 13-2020 dated June 12, 2020; Executive Order Number 15-2020 dated June 25, 2020; CR-64-2020 adopted July 7, 2020; Executive Order Number 20-2020 dated September 3, 2020; CR-90-101 adopted September 15, 2020; CR-101- 2020 adopted October 13, 2020; CR-125-2020 adopted November 17, 2020; Executive Order Number 27-2020 dated December 15, 2020 and CR-002-2021 adopted on January 12, 2021; and

WHEREAS, the Prince George's County Health Officer issued County Health Order on November 15, 2020, requiring that large gatherings indoors for all other activities are limited to one person per 200 square feet or a maximum of 10 persons, whichever is lower, and large

gatherings outdoors are limited to one person per 200 square feet or a maximum of 25 persons, whichever is lower, and this includes gatherings such as parades, festivals, parties, and family gatherings; and

WHEREAS, Prince George's County, Maryland and the Town have been and continue to be severely impacted by the COVID-19 outbreak; and

WHEREAS, as required by Art. 2, Part II of the Town Code upon issuing any emergency proclamation, the Mayor of the Town of Forest Heights does hereby find the following:

(i) That conditions of peril to the safety of persons and property continue to exist within said Town, caused by the COVID-19 epidemic; and

(ii) That the Mayor believes it is in the best interest of public safety and the protection of property that the exercise of certain rights be temporarily limited and that the conditions of this Order is designed to provide the least necessary restriction on those rights; and

(iii) That the Town Council of the Town of Forest Heights may meet in public session and pursuant to said Art. 2 of the Town Ordinance Code rescind, modify or extend this Order; and

WHEREAS, as required by the Governor's Order (No. 20-03-30-03), in an effort to control and prevent the spread of COVID-19, the Mayor and/or Council of the Town of Forest Heights has given proper notice and does hereby further find that a suspension of the provisions of Title 4, Subtitle 3, of the LG Article of the Maryland Code regarding passing a charter amendment resolution will not endanger the public health, welfare, or safety; and is necessary to amend the method, conduct, or voting system of an election in a manner that ensures an accurate vote count and certification of the election results; and

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that in addition to the Governor's State-wide emergency, that a local (municipal) emergency continues to exist throughout said Town.

AND IT IS FURTHER PROCLAIMED AND ORDERED that pursuant to the Governor's Order (No. 20-03-30-03) and Art. 2, Part II of the Town Code, the strict adherence to the legal or procedural deadlines, due dates, or other prescribed time of an act or event described within Title 4, Subtitle 3, of the LG Article of the Maryland Code or the Town Charter shall be suspended, modified or changed in order to expeditiously approve and enact a charter amendment resolution, including but not limited to Charter Amendment Resolution 02-21, regarding the conduct of registration, nomination and Town elections and for the prevention of fraud in connection therewith.

AND IT IS FURTHER PROCLAIMED AND ORDERED that said Charter Amendment Resolution 02-21 or any other such resolution initiated by the governing body during the effective period of this Proclamation pertaining to the conduct of elections may be passed and enacted with

at least five (5) days of public notice of the hearing to be conducted electronically followed by immediate enactment, public posting in the Town Hall and publication in a newspaper of general circulation, the Town newsletter or website with an effective date occurring no more than five (5) days after enactment of said resolution provided no valid petition for referendum is received as permitted by State law.

AND IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local and/or State emergency the Town offices and Municipal Building will continue to be closed to the public and most of the staff will telework with the following exceptions: (i) police operations and use of spaces to support those operations, (ii) to allow conduct of a municipal election and operation of a polling place, and (iii) to allow the conduct of organized municipal health maintenance or exercise classes approved by the Mayor or Council including a senior exercise class to be held in the Community Room of the Municipal Building every Tuesday and Thursday (5:30 P.M. to 6:30 P.M.).

AND IT IS FURTHER PROCLAIMED AND ORDERED that for any election polling place, approved indoor exercise classes or other indoor assembly at the Municipal Building, the following shall be observed and followed at a minimum in addition to any other applicable health regulations or guidelines:

1. Voting, election judging, canvassing, exercise, fitness or other authorized activity is limited to 1 resident per 200 square feet of space, wherever possible not to exceed a maximum of 10 persons per room;
2. Maintain physical distancing (greater than 6'), wherever possible;
3. Adherence to Section II of CR-90-2020 by staff, employees and public users;
4. Physical distancing markers for staff, employees and public users;
5. High contact surfaces (those with hourly or greater contact frequency) will be cleaned with CDC and EPA- approved disinfectant at least every 2 hours; and
6. Wear Face Coverings that fully covers a person's nose and mouth while inside an indoor location.

AND IT IS FURTHER PROCLAIMED AND ORDERED that any applicable Town Charter or Ordinance Code provisions or published policies setting forth the method, mode, means, or manner of conduct, voting or canvassing system to be used or followed regarding a municipal election occurring during the ongoing pandemic and health emergency as referenced above may be modified or changed as follows:

1. The Town Board of Elections shall keep the polls open on March 10, 2021 ("Election Day") from 11 A.M. until 8:00 P.M. for in-person voting on election day or for longer hours as determined by the Town Board, provided that the room capacity and social distancing requirements prescribed above are followed; and

2. The use of absentee balloting in lieu of in-person voting may be permitted for any reason provided that an absentee ballot application is submitted by a qualified voter under oath and delivered by U.S. Mail or deposited in the Town's designated Drop Box and receive by the Town Clerk no later than 8:00 P.M. on March 10, 2021; and
3. A qualified voter applying for an Absentee Ballot to be mailed to the applicant must do so before March 5, 2021 at 4:30 P.M.;
4. An Absentee Ballot shall be placed inside a sealed envelope, pre-marked by the Town with printed spaces to be filled in with the voter's name, signature and address, and shall include an identifying absentee voter-by-ward number; however, the ballots themselves will remain secret ballots with no identifying voter information; and
5. A sealed envelope, pre-marked by the Town, and containing a completed or properly marked Absentee Ballot shall include, printed on the envelope, the voter's printed name, signature, and address; and
6. Absentee ballots may be mailed by First Class, U.S. Mail or placed in the Town Drop Box located in the Municipal Building parking lot or entryway provided that only one ballot is received per envelope and the envelopes are delivered to the Municipal Building and received by the Town Clerk no later than 8:00 P.M. or the closing of the polls on Election Day; and
7. A Drop Box for municipal ballots to be locked and surveilled by the FHPD will be made available outside the Municipal Building commencing on Saturday, March 6, 2021 at 7:00 A.M. until 8:00 P.M. and each business day (excluding Sunday) thereafter through Election Day and the closing of the polls; and
8. Multiple Absentee Ballots received and placed in one envelope will be rejected and uncounted along with any other defective ballots; and
9. The sealed envelopes (unopened) containing absentee ballots, may be collected, and moved from the Drop Box or the custody of the Town Clerk to be staged, organized and stored in the polling place (i.e., designated area of the Community Room) under the watchful eye of an election official and verified, organized or accounted for prior to opening and canvassing after the polls close at 8 P.M.; and
10. Except for ballots cast in-person at the polls, all ballots received by the Town Clerk via U.S. Mail or deposited in the Drop Box shall remain sealed and unopened but shall be immediately accounted for and logged in by voter number pre-printed on the envelope; and
11. Designated poll watchers may be permitted to witness in person the canvassing or counting of ballots by the Board members provided the room capacity and social distancing requirements prescribed above are followed; and

12. If the number of designated poll watchers and election officials exceeds room capacity and social distancing requirements, each candidate may be limited to one designee who may witness the counting in person with the remainder or overflow moved to another room to witness the canvassing by live video call, Zoom or similar conferencing system; and
13. All other applicable provisions of the Charter, Ordinance Code or published policies of the Town regarding the conduct of elections, registration, canvassing and voting shall remain in effect unless they conflict with this Proclamation, which shall prevail in any conflict of said provisions.

AND IT IS FURTHER PROCLAIMED AND ORDERED that any Local (County) Orders issued by the County Executive or the Co. Health Officer, or County Resolutions pertaining to the pandemic that remain in effect as amended from time to time, are hereby adopted by reference herein as if written word for word herein below and shall be applicable and enforced by the Forest Heights Police Department within the corporate limits of the Town.

AND IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local and State emergency the powers, functions, and duties of the emergency organization of this Town shall be those prescribed by state law, by ordinances, proclamations (State and local) and resolutions of this Town, and by the Town of Forest Heights Emergency Operations or COOP Plan, as applicable.

AND IT IS FURTHER PROCLAIMED AND ORDERED that this Order shall take effect immediately and remain in effect for a period of 30 days unless the Town Council duly rescinds, modifies or extends the duration of the local emergency.

AND IT IS FURTHER PROCLAIMED AND ORDERED that a copy of this Order shall be delivered to the Governor of the State, the County Executive, the members of the Town Council, the Town Clerk, the Chief of Police and shall be posted at the Town Hall and published in the Town newsletter, the Town internet web site and social media accounts in order to give the widest dissemination of this Proclamation and Order to the public.

By Order of the Mayor of THE TOWN FOREST HEIGHTS

Dated: _____

By: _____
Habeeb-Ullah Muhammad, Mayor

ATTEST/WITNESS:

[Issue no earlier than: 2/17/21.]